**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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**DATED: 25-11-2005**

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**WRIT PETITION No.24755 OF 2005**

Between:

J.Peraiah . . .Petitioner

And

The Dist. Collector, Prakasam Dist., and others . .Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION No.24755 OF 2005**

**O R D E R:**

The petitioner claims that he belongs to Scheduled Caste Community. According to him, the fifth respondent had embraced Christianity and still claimed to be Scheduled Caste while filing nomination in the elections conducted for the Managing committee of P.A.C.S., Esuka Darsi Agraharam, Martur Mandal, Prakasam District. He contends that despite his objection, the nomination of the fifth respondent was accepted and the latter was elected as

Director against a vacancy reserved for Scheduled Caste. He claims to have made a representation, dated
09-11-2005, to the first respondent to enquire into the genuinity of the social status of the fifth respondent and alleges that no action has been taken thereon.

The surname of the petitioner and the fifth respondent is same and they appear to be from the same pedigree. The petitioner can complain about the social status of the fifth respondent, if only he has not embraced christianity. A pale doubt appears from the father's name of the petitioner as to whether the petitioner is a genuine Scheduled Caste candidate as of now.

The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993, prescribes a detailed procedure, in the matter of cancellation of caste certificates. Such proceedings can be initiated either *suo motu* or on a complaint made by an aggrieved party. The complaint of the petitioner can be taken as basis for the enquiry against the fifth respondent, if only the petitioner is a genuine Scheduled Caste candidate.

Therefore, the writ petition is disposed of, directing the first respondent to first verify as to whether the petitioner belongs to Scheduled Caste category and on being satisfied, *prima facie*, about it, proceed to take steps in accordance with Section 5 of the Act, against the fifth respondent, strictly following the procedure prescribed under the Act. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

25th NOVEMBER, 2005.

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